

**INVITATION TO BID**  
**YELLOWSTONE COUNTY, MONTANA**  
**PUBLIC WORKS ASPHALT OVERLAY PROJECT I 2020-2021**  
Yellowstone Trail Road, Hofferber Road and Homer Davis Road

Yellowstone County will receive sealed bids for asphalt overlay on various County roads per the enclosed specifications until 5:00 p.m. January 11<sup>th</sup>, 2021. All bids must be submitted in triplicate (1 original and 2 copies) to the Board of County Commissioners, P.O. Box 35000, Billings, MT 59107 or delivered to their office in the Stillwater Building, Room 3101, 316 North 26th Street, Billings, MT 59101. Envelopes containing bids must be marked "2020-2021 Public Works Asphalt Overlay Project I" in the lower right-hand corner.

All Bids received will be time and date stamped. The time and date stamped on each bid must indicate that it was received no later than 5:00 p.m. January 11<sup>th</sup>, 2021.

All timely bids will be opened and read aloud at 9:30 a.m. January 12<sup>th</sup>, 2021 in the Commissioners Board Room, Room 3108, located on the third floor of the Stillwater Building 316 North 26th Street. All bids received that are time and date stamped later than 5:00 p.m. January 11<sup>th</sup>, 2021 will not be opened.

All bids must include a bid bond made in favor of Yellowstone County in an amount equal to 10% of the total bid. The security may consist of cash, a cashier's check, a certified check, a bank money order, a certificate of deposit, a money market certificate, or a bank draft. The security must be: a) drawn and issued by a federally chartered or state chartered bank or savings and loan association that is insured by or for which insurance is administered by the Federal Deposit Insurance Corporation; b) drawn and issued by a credit union insured by the National Credit Union Share Insurance Fund c) a bid bond or bonds, original only, no copies, executed by a surety company authorized to do business in the State of Montana. Personal checks, business checks, and facsimiles will not be accepted for bid security.

No bid may be withdrawn prior to sixty (60) days after the scheduled time for receipt of the bids.

Each bidder must have a current Montana Public Contractor's Registration number when submitting their bid. The number must appear on the bid. All subcontractors, if any, must obtain a registration number prior to beginning any work on the project. Bid only registrations are acceptable for the bidding process.

All contractors and subcontractors performing work pertaining to the construction, reconstruction, or improvement of any public road or street or bridge construction repair or maintenance awarded by any government agency, must obtain and maintain a Special Fuel User Permit from the Montana Department of Transportation.

The successful bidder will be required to provide the County with a performance bond and labor and materials bond, both for 100% of the contract amount, within ten days of the execution of the contract and prior to starting any work on the project. The selected Contractor will also be required to provide a copy of their commercial liability insurance certificate and workers compensation coverage prior to beginning the project.

The successful bidder will be required to follow all the directives included in section 18-2-422 of the Montana Code Annotated concerning Montana Prevailing Wages. Those directives are as follows:

- (1) the contractor and any subcontractors are required to pay the standard prevailing wage rate, including fringe benefits, for each job classification as stated in the current prevailing wage rate schedules. This information is included in the four prevailing wage rate schedules that are being provided to each bidder as part of this bid package. The current schedules are also available at the State of Montana web-site <http://www.mtwagehourbopa.com>. It is the responsibility of the contractors to obtain and use the applicable Wage Rate Schedules.
- (2) each contractor and subcontractor is required to maintain payroll records in a manner readily capable of being certified for submission under statute 18-2-423, for not less than 3 years after the contractor's and subcontractor's completion of work on the project;
- (3) each contractor is required to post a statement of all wages and fringe benefits in compliance with statute 18-2-423.

Statute 18-2-423 is as follows: If a complaint is filed with the department alleging noncompliance with 18-2-422, the department may require the project to submit to it certified copies of the payroll records for workers employed on that project. A contractor or a subcontractor shall pay employees receiving an hourly wage on a weekly basis. If a wage violation complaint is filed with the department, the contractor or subcontractor shall provide the employee's payroll records to the department within 5 days of receiving the payroll request from the department.

The successful bidder will be required to give preference to the employment of bona fide Montana residents in the performance of the work on this project.

All state laws pertaining to Resident Bidders, both State and County will be adhered to if applicable.

A 5% retainage fee will be withheld from all progress payments made to the successful bidder. The fee will be returned to the contractor upon completion of the project and acceptance of the project by the County. The successful bidder will be required to pay the State of Montana a sum equal to 1% of the gross receipts from the public contract. The County will withhold this amount and forward it to the State of Montana.

The Contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations, including the Montana Human Rights Act, Civil Rights Act of 1964, the Age Discrimination Act of 1975 and the American with Disabilities Act of 1990. Any subletting or subcontracting by the Contractor subjects subcontractors to the same provisions. In accordance with section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing under the contract.

Information relating to the bid specifications should be addressed to Clay Moore at 406-256-6824. Questions concerning the bid procedure may be addressed to James Matteson at 406-256-2717.

The Board of County Commissioners will award the asphalt overlay project to the lowest and best responsible bidder. The Board reserves the right to reject any or all bids received, to waive informalities to evaluate the bids submitted, and to accept the bid which best serves the interests of Yellowstone County.

Done by order of the Board of County Commissioners of Yellowstone County, MT this 8<sup>th</sup> day of December 2020.

Board of County Commissioners  
Yellowstone County, Montana

(Seal)  
Attest:

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Denis Pitman, Chair

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Jeff Martin, Clerk and Recorder

## **INSURANCE REQUIREMENTS**

The successful bidder (herein after Contractor), shall maintain at its sole cost and expense, commercial general liability insurance naming Yellowstone County/Yellowstone County Public Works, as additional insured for this project against liability for damages for bodily injury, including death and completed operations and property damages in a minimum amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) for each claim and One Million Five Hundred Thousand Dollars, (\$1,500,000.00), in the aggregate arising from incidents which occur as the result of Contractors negligence during the project and for which Yellowstone County/Yellowstone County Public Works sole basis of liability is vicarious liability for the acts or omissions of the Contractor or/and subcontractors.

Contractor shall maintain for this project at its cost and expense, insurance against claims for injuries to persons or damages to property, including contractual liability which may arise from or in connection with the project by Contractor, agents, employees, representatives, assigns and sub-contractors. This insurance shall cover claims as may be caused by any negligent act or omission. The policy of insurance shall be an occurrence policy with a Best Rating of A- or better and must be in force throughout the project.

Contractor shall name on the Certificate of Liability Insurance Yellowstone County/Yellowstone County Public Works as additional insured throughout the project. In addition, Contractor will furnish to Yellowstone County a copy of the policy endorsement, CG 32 87 05 10, indicating that Yellowstone County/Yellowstone County Public Works are named as an additional insured under the Contractors insurance policy for this project. Contractor agrees to furnish both the Certificate of Insurance and policy endorsement at least ten (10) days prior to beginning work on the project.

Contractor agrees to defend, indemnify and hold harmless Yellowstone County /Yellowstone County Public Works from and against any and all claims demands, obligations causes of action, lawsuits and all damages and liabilities fines, judgments, costs, (including settlement costs), and expenses associated therewith (including reasonable attorney's fees and disbursements), arising from incidents that occur from the result of Contractors negligence during this project, and for which Yellowstone County /Yellowstone County Public Works sole basis of liability is vicarious liability for the acts or omissions of Contractor. The defense and indemnification obligations under this paragraph of the Invitation to Bid shall not be limited by any assertions or finding that Yellowstone County/Yellowstone County Public Works is liable for any damages by reason of a non-delegable duty.

## **WORKERS COMPENSATION**

Contractor is required to maintain workers compensation insurance, or an independent contractor's exemption issued by the Montana Department of Labor covering Contractor and Contractor's employees. Contractor is not, nor are Contractor's workers, employees of Yellowstone County / Yellowstone County Public Works. Workers Compensation insurance, or the exemption from the workers compensation obligation must be valid for the entire period of the project.

## **CHECK LIST**

Please be sure you have completed the following prior to submitting your bid.

Read and understand the specifications and bid procedure.

Enclosed the required ten (10) percent bid bond.

Make yourself familiar with any State or County laws that pertain to this bid.

Asked and received answers to any questions regarding the bid procedure, specifications or questions of a general nature.

Addressed and mailed or delivered your bid to be received at the correct address by the time and date indicated in the Invitation to Bid.

## **GENERAL INFORMATION**

The Yellowstone County Public Works Department is currently requesting bids for the asphalt overlay of Yellowstone Trail Road, Homer Davis Road and Hofferber Road and all adjoining intersections and paved approaches.

The description of the area of the roads to be overlaid is as follows:

Starting at the intersection of Yellowstone Trail Road and Dickie Road pave east on Yellowstone Trail Road approximately 5.5 miles to the intersection of Yellowstone Trail Road and Pryor Creek Road.

Starting at the intersection of Homer Davis Road and Twelve Mile Road pave east on Homer Davis Road for approximately 2 miles to the intersection of Homer Davis Road and Shepherd Road.

Starting at the Intersection of Hofferber Road and Homer Davis Road pave south on Hofferber Road approximately 0.5 miles, to the intersection of Hofferber Road and Chicago Road.

All the above overlays are to be typically 24 feet wide or cover the existing asphalt whichever is greater.

The selected Contractor will be required to overlay these roads in two lifts, ending up with a 3-inch compacted minimum thickness. The use of a leveling ski and a 6

to 8-inch slope shoe at centerline and shoulder will be required. It will be the Contractor's responsibility to supply all necessary equipment, material and labor to complete these projects, including but not limited to the application of a tack coat (tack must be applied to all asphalt surfaces including each overlay lift and all joints), all necessary traffic control, the raising of all iron (manholes, water valves etc.) and any necessary permits or fees required for the completion of the project.

The selected Contractor will also be required to provide a 50-foot transition milling taper at the following locations – The intersection of Homer Davis and Twelve Mile, the intersection of Homer Davis and Shepherd Road, the intersection of Yellowstone Trail and Dickie Road, the intersection of Yellowstone Trail and Pryor Creek Road and the intersection of Hofferber and Chicago Road.

Transition milling must be tapered from 3 inches deep to 0 inches and be for the full overlay width. The Contractor will also be required to mill a joint on all private paved approaches 20 feet or cover existing paved approach, whichever is greater. Contractor will also be required to extend to a minimum of 2 feet for all gravel driveways and mailbox and field approaches as needed.

The contractor will be responsible for any trimming of shoulders on all roads to be paved if needed.

The contractor will not be required to provide any striping for the project.

A Traffic Control Plan is required to be submitted by Contractor and reviewed by Mr. Bobb Hilliard, Traffic Coordinator for the Yellowstone County Road Department, prior to any work. Road closures of portions of roads may be allowed, provided that local access is maintained.

All work must meet the Montana Public Works Standard Specifications and daily test results will be required for extraction gradation and compaction. It will be the contractor's responsibility to pay for all necessary testing. The asphalt shall be PG 64-22 and the asphalt mix shall be B-Modified. All labor and material used during the course of the project must be warranted for a period of one (1) year after acceptance by Yellowstone County. The project must be completed and invoiced no later than June 14th, 2021.

Any questions concerning this project should be directed to Clay Moore, Assistant Road and Bridge Director at the Yellowstone County Public Works Department, (406) 256-6824 or cell phone number (406) 208-9077.

**2020-2021 ASPHALT OVERLAY PROEJCT I  
BID SHEET**

Yellowstone Trail Road, Hofferber Road and Homer Davis Road

To: Yellowstone County Commissioners  
PO Box 35000  
Billings, MT 59107-5000

THE UNDERSIGNED BIDDER, having familiarized himself/herself with the work required by the bid documents, the site(s) where the work is to be performed, local labor conditions, and all laws, regulations, and other factors affecting performance of the work, and having satisfied himself/herself of the expense and difficulties attending performance of the work,

HEREBY PROPOSES and agrees, if this bid is accepted, to perform all work, including the assumption of all obligations, duties, and responsibilities necessary to the successful completion of the work and the furnishing of all labor, materials and equipment, supplies, permits, bonds, insurance for the total bid of:

\_\_\_\_\_  
Words

\_\_\_\_\_  
Figures

SIGNATURE OF BIDDER \_\_\_\_\_

COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

MONTANA PUBLIC CONTRACTORS' REGISTRATION NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

I acknowledge receiving the following addenda, if applicable.

#1 \_\_\_\_\_  
Initials

\_\_\_\_\_  
Date

#2 \_\_\_\_\_  
Initials

\_\_\_\_\_  
Date